

5/12/2009 Mock, Aaron

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MINNESOTA

3 -----  
4 LEMOND CYCLING, INC.,

5 Plaintiff,

6 v.

Case No. 08-1010

7 TREK BICYCLE CORPORATION,

8 Defendant/Third-Party Plaintiff

9 v.

10 GREG LEMOND,

11 Third-Party Defendant,

12 Defendant.  
13 -----

14  
15 Deposition of AARON MOCK

16 May 12, 2009

17 9:30 a.m.

18 at

19 Gass Weber & Mullins, LLC

20 309 North Water Street

21 Milwaukee, Wisconsin  
22  
23  
24

25 Reported by David J. Sikora, RPR, RMR, CRR

EXHIBIT  
D

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Deposition of AARON MOCK, a witness in the  
above-entitled action, taken at the instance of the  
Plaintiff/Third-Party Defendant, pursuant to the Federal  
Rules of Civil Procedure, pursuant to notice and  
agreement, before DAVID J. SIKORA, RPR, RMR, CRR, Notary  
Public in and for the State of Wisconsin, at 309 North  
Water Street, Milwaukee, Wisconsin, on May 12, 2009,  
commencing at 9:30 a.m. and concluding at 2:54 p.m.

A P P E A R A N C E S

ROBINS, KAPLAN, MILLER & CIRESI, LLP, by

Ms. Denise S. Rahne

Ms. Jennifer M. Robbins

2800 LaSalle Plaza

800 LaSalle Avenue

Minneapolis, Minnesota 55402

appeared on behalf of the  
Plaintiff/Third-Party Defendant.

GASS WEBER MULLINS LLC, by

Mr. Ralph Weber

309 North Water Street

Milwaukee, Wisconsin 53202

appeared on behalf of the  
Defendant/Third-Party Plaintiff.

ALSO PRESENT: Bob Burns

Greg LeMond

Owen May, Videographer

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1 Q So August of 2008.

2 A August of '08, yes.

3 Q I'm getting old enough to have a habit sometimes of  
4 dropping a whole decade. So if at some point I do  
5 something like say '98, just let me know. Catch me  
6 if I miss it. How has your job changed since the  
7 part of your title related to Greg LeMond product  
8 management was dropped?

9 A You know, my day to day responsibilities are very  
10 similar to what they were before. There is a --  
11 there hasn't been a lot of change, other than,  
12 obviously, the shift that took place in April of '08  
13 created a significant new amount of work load for me  
14 on something that I wasn't anticipating.

15 Q Say more about that.

16 A In April of '08, we had a complete 2009 LeMond  
17 lineup plan introduced in a couple of months to our  
18 dealer base. April of '08 rolls around, and I find  
19 out, just like everyone else did, that we were no  
20 longer going to continue with the license agreement.  
21 And we needed to make a decision on how we were  
22 going to supply those dealers who were counting on a  
23 new line of bicycle, of road bikes, with a line of  
24 bikes. And that was something that in a very short  
25 amount of time needed to be taken care of. And so

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1           that workload was significantly different than it  
2           would have been had we simply gone forward with the  
3           plan, the 2009 line, that we already had kind of in  
4           the can for LeMond.

5                   MS. RAHNE: Do you mind if I just mark this  
6           just to get it -- I only have one copy, but --

7                   MR. WEBER: No, no problem.

8                   MS. RAHNE: I'm not going to spend any  
9           detailed time on this, if you want Greg to step out.  
10          I just want to know what it is from him. But I'm  
11          happy to --

12                   MR. WEBER: He's not going to go into the  
13          details. That's fine.

14                   MS. RAHNE: Okay. Mark that as 178.

15                           (Exhibit Number 178 was marked for  
16          identification)

17                   MS. RAHNE:

18          Q       Okay. Mr. Mock, I'm handing you what's been marked  
19          as Exhibit 160 -- 178.

20          A       Okay.

21          Q       And I just want to check. You just referenced that  
22          there was -- actually, I will need one too. You  
23          referenced that there was a plan. I think what you  
24          said is in April of 2008 you had a complete line of  
25          bikes ready. And I'm assuming that's referring to a

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1 LeMond brand of bike, is that correct?

2 A Yup.

3 Q When we arrived this morning, counsel for Trek  
4 handed us the document that's in front of you as  
5 178. And he indicated to me that he received that  
6 from you at some point recently, is that correct?

7 A Yes.

8 Q Is that document -- how does that document relate to  
9 the plan as it was in place in April of 2008?

10 A This is the document. It's essentially identical to  
11 what -- the yellow in the document actually  
12 represents signed off and approved product. And  
13 this is what we were planning to go to market with  
14 under the LeMond brand for model year 2009, which  
15 would have been introduced in the summer of 2008.

16 Q When you say signed off and approved --

17 A Uh-hm.

18 Q -- what does that mean in terms of the cycle of  
19 product development and release at Trek?

20 A Sure. There are -- as the product manager, I'm  
21 responsible for what's called the PPD. This is part  
22 of that. This is the product planning document.  
23 There are products that we make in different parts  
24 of the world. Whether it's assembled in Waterloo,  
25 whether it's assembled in Asia. And signing this

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1 off means that this information has actually been  
2 communicated to the people in those parts of the  
3 world that would be executing the manufacture of  
4 that product. We had vendors that were working on  
5 this product. We had suppliers that were building  
6 stock. We had suppliers that were -- had graphic  
7 samples. Et cetera. We had the full line ready to  
8 go.

9 Q So is it your testimony that they had begun work on  
10 this -- the suppliers had actually begun work on the  
11 components or the various parts that would be  
12 necessary to bring these bikes to market?

13 A That part I can't answer. The suppliers had  
14 definitely begun work. There's no question that  
15 there was an internalization of this information,  
16 because I'd get confirmation on that. But as far as  
17 did -- say as example, Giant's one of our vendors,  
18 did Giant actually communicate to Shimano that we  
19 needed that 105 rear derailleur. I can't tell you  
20 that as of April of '08 if they had actually placed  
21 a PO for that.

22 Q Okay.

23 A That's not a level of detail that I would see.

24 Q Sure. So it would be your testimony that from your  
25 perspective, and what you would know, there was a

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1 Q And the Gary Fisher road line was rolled out when?

2 A August of 2008.

3 Q What was the lead time between when you found out  
4 that Trek would not be selling the LeMond line of  
5 road bikes and when you rolled out the Gary Fisher  
6 road bikes?

7 A Five months.

8 Q Prior to August of 2008, what lines of road bikes  
9 did Trek -- were under the Trek umbrella?

10 A Prior to 2008, there was a Trek bicycle road line,  
11 there was a Klein bicycle road line, and then there  
12 was a Greg LeMond bicycle road line.

13 Q When did Trek stop carrying the Klein line of road  
14 bikes?

15 A I'm not sure.

16 Q Do you know approximately?

17 A It would have been somewhere in 2007, 2008. It  
18 was -- that's a geographic issue.

19 Q What do you mean by that?

20 A Japan bought Klein as a business in Japan, and so we  
21 supported that. But the rest of the world really  
22 did not, at that point. We didn't supply the rest  
23 of the world with Klein bikes. So it's a Japan  
24 market only type deal. I'm not sure when that  
25 stopped.

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1 Q Let me, so we don't spend too much time on it, is  
2 there another bike that is distinguished by its  
3 frame geometry in a way similar to the bikes under  
4 the LeMond brand?

5 A There are a number of instances of bikes that have  
6 geometry stories. Cervelo is a great example of a  
7 product in the marketplace that relies heavily on a  
8 geometry story. And in very similar context of how  
9 that geometry enhances the rider's ability on the  
10 bike.

11 Q Anybody else?

12 A To my knowledge, I'd have to look. I'd be quoting  
13 out of --

14 Q Do you have any knowledge about, as between Cervelo  
15 and Greg LeMond, who was the first to be  
16 distinguished by frame geometry?

17 A In that circumstance, I would say that in the U.S.  
18 market it's Greg.

19 Q What about in any other market?

20 A There's definitely historic frame geometry, if we  
21 wanted to look at reference material in the Pro  
22 Peloton of other classic bikes, Colnagos, et cetera,  
23 that are very similar in frame geometry.

24 Q Do you know anything in terms of the timing  
25 differentiation between the LeMond cycles and the



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1 A Okay.

2 Q Do you see that?

3 A Yes.

4 Q There's a Trek and LeMond platform.

5 A Yes.

6 Q Is this consistent with what you're talking about in  
7 terms of there being a Trek road bike, and a  
8 parallel LeMond road bike for dealers to carry?

9 A Yeah. When I look at this, and I look at the  
10 platforms laid out next to each other, it's simply  
11 showing each level of frame platform, and it's kind  
12 of showing its counterpart based on price ranges, is  
13 really what it's looking at there. And it's -- to  
14 me, it's simply showing the dealer that, hey, you  
15 have, on the Trek side you have a Madone, on the  
16 LeMond side you have this ti carbon Tete de Course.  
17 You know, you have this really nice other piece to  
18 sell that customer coming in the door. You have  
19 this option or that option. And the nice thing  
20 about this is it shows, you know, for basically each  
21 Trek platform, there's a complementary LeMond.

22 Q And how -- I asked you before, but now we've got  
23 actually a nice parallel set in front of us.

24 A Sure.

25 Q How is one to distinguish, as a consumer, between

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1 people when you're trying to sell a Madone. Am I  
2 saying that right? Madone?

3 A Yeah.

4 Q Things to say every time you sell a Madone, do you  
5 see that?

6 A I do.

7 Q I'm interested in number one, the first bullet  
8 point, the Madone was designed for -- with and for  
9 Lance Armstrong, do you see that?

10 A I do.

11 Q Is that one of the selling points, to your  
12 knowledge, for Trek for the Madone bike?

13 A You know, the marketing guys could answer that for  
14 you. But I'm sure that they used that, yeah.

15 Q If you can skip down to the last bullet point, I'm  
16 interested in that. There is no better road bike  
17 available from anyone. Do you see that?

18 A Yeah.

19 Q Is that a statement that you agree with, as a  
20 product manager?

21 A No.

22 Q Why do you disagree with that?

23 A I think that we had extremely competitive product in  
24 the LeMond line. And if you were to evaluate it  
25 against LeMond literature, you would see similar

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1 the Fisher catalog. The catalogs were distributed  
2 to all the dealers. I was actually a dealer at the  
3 time. Fisher bikes in the catalog that never  
4 happened.

5 Q Do you know why?

6 A I don't. Again, I was not in the building at that  
7 time.

8 Q I think I asked this before, but since we're on this  
9 topic, we can have all the testimony together. When  
10 was the first time you learned of plans to develop a  
11 Fisher road bike? You said --

12 A It would have been late spring of '08. It would  
13 have been after April 8 of '08.

14 Q And you say April 8 because that's when you learned  
15 of the --

16 A Yes.

17 Q -- that Trek wanted to terminate its relationship  
18 with Mr. LeMond.

19 A On April 7 there was a full 2009 model year LeMond  
20 line planned.

21 Q What happened to that?

22 A You had it in front of you.

23 Q Okay. Right. What happened? Were there -- what  
24 happened to anything that had been in the pipeline  
25 in terms of things from suppliers?

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1 over something.

2 A Okay.

3 Q You're reading my mind.

4 A Sorry.

5 Q Was the conversation you had with Greg about some  
6 concern he had that his product line had not been  
7 discussed in John Burke's presentation?

8 A It was that his brand hadn't been mentioned. Is my  
9 understanding of it.

10 Q Did you do any follow-up with that to confirm or  
11 disconfirm whether that was true?

12 A Yes.

13 Q And what did you find out?

14 A That was accurate. Yes.

15 Q Was there any -- did you, either from Mr. LeMond, or  
16 any other discussions, was there any -- let me back  
17 up. Did you have a discussion with Mr. LeMond about  
18 anything in Mr. Burke's presentation about the life  
19 span of product lines?

20 A Not that I recollect.

21 Q Take a look at --

22 MS. RAHNE: Mark that one.

23 (Exhibit Number 189 was marked for  
24 identification)

25 MS. RAHNE:

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1 A Yeah.

2 Q Only a few Fisher models and two LeMond models were  
3 selected. Do you see that?

4 A Yeah.

5 Q He says, they are under the impression that we are  
6 not dedicated to the LeMond brand for the future.  
7 Do you see that?

8 A I do.

9 Q Was that an impression, back in 2007, that you were  
10 aware existed from the Wheat Ridge bike pick  
11 meeting?

12 A No. It was -- from the Wheat Ridge bike pick  
13 meeting, I wasn't in attendance at that meeting, nor  
14 privy to the discussions that happened at that  
15 meeting.

16 Q But you were copied on this E-mail. And you didn't  
17 have any other independent knowledge of that  
18 impression --

19 A From the Wheat Ridge guys.

20 Q -- from the Wheat Ridge guys.

21 A No.

22 Q It goes on to say, they arrived at this conclusion  
23 since LeMond was not mentioned in any of the product  
24 presentations, and Ron Keifel spoke with Greg at the  
25 show, and Greg said that he didn't even know that

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1 the show was going on. He just happened to be in  
2 town and heard that Trek World was taking place. Do  
3 you see that?

4 A Yes. Can I respond to that?

5 Q Uh-hm.

6 A I actually take issue with both statements.

7 Q Okay.

8 A So I don't know whether Larry misrepresented what  
9 they told him, or if they simply weren't paying  
10 attention. At this particular dealer show, we  
11 actually gave dealers -- each dealer was in a group.  
12 I can't remember how they did it. A, B, C, D, red,  
13 green, blue coloring. We have to split them up.  
14 And we would do round robins of product  
15 presentations. Every one of my product  
16 presentations had a LeMond segment in it. And, in  
17 fact, Greg was involved in those presentations when  
18 he found the space. It took him awhile. Okay?

19 Q Uh-hm.

20 A Yeah. Greg's time works that way sometimes. So  
21 from the standpoint of LeMond not being included in  
22 any of the product presentations is just not an  
23 accurate statement to the timing and the time frame.

24 Q Okay.

25 A And then the second piece is, Greg said that he